

Thursday, 8 February 2018

Proposed amendments on espionage and foreign interference a positive first step

The Law Council of Australia today welcomed news that the Federal Government is moving to alter its proposed espionage and foreign interference laws in line with some of the concerns raised by the legal profession and others.

According to reports, the Government proposes to:

- Narrow definitions applying to Commonwealth officers to 'conduct that would cause harm to Australia's interests', as well as the definitions of harmful information.
- Narrow the offence applied to non-Commonwealth officers to only be applicable to 'the most serious and dangerous' conduct.
- Allow journalists to defend their reporting on the basis that they 'reasonably believe' it was in the public interest, and not a requirement to prove it was 'fair and accurate'.

Law Council of Australia President, Morry Bailes, said that while the legal peak body needed to review the Government's proposed changes in detail, the reported shift was certainly in the right direction.

"The Law Council's greatest concern is with the depth and breadth of the provisions and the unintended consequences that flow from them," Mr Bailes said.

"Although these amendments do not allay all of the Law Council's concerns, and more work is certainly needed, these initial amendments all appear to be positive.

"The Government's intention to narrow some of the critical definitions is particularly welcome and something that the Law Council has strongly recommended.

"We also support attempts to narrow the scope of laws in relation to non-Commonwealth officers. However, it is essential that there be an express 'harm' requirement inserted into the legislation, to absolutely ensure that the offences only apply to the most serious and dangerous conduct.

"We still have a considerable way to go and we look forward to continuing to work closely with Government, and Parliament, to get these important measures right," Mr Bailes said.

You can read the Law Council's submission to the Parliamentary Joint Committee on Intelligence and Security [here](#) and the opening statement to the public hearing [here](#).

Patrick Pantano: Public Affairs
P 02 6246 3715
E Patrick.Pantano@lawcouncil.asn.au

Sonia Byrnes: Communications
P 0437 078 850
E Sonia.Byrnes@lawcouncil.asn.au